

ORDINANCE NO. NS -2315

AN ORDINANCE AMENDING THE ZONING MAP AND THE BEND COMPREHENSIVE PLAN MAP FOR CERTAIN PROPERTIES IN THE CITY OF BEND AS A RESULT OF THE MAP ALIGNMENT PROJECT

Findings:

- A. The City is proposing a Map Alignment Project (MAP) to align the Zoning Map and the Comprehensive Plan map.
- B. The MAP has three amendments, which (1) Rezone approximately 1,874 acres to align with the Comprehensive Plan map designations; (2) Amend the Comprehensive Plan map for approximately 33 acres to align the zoning with the developed use of the property; and (3) Rezone and amend the Comprehensive Plan map of approximately 9 acres to recognize the existing use of the sites.
- C. The MAP application was processed in accordance with Bend Development Code (BDC) 4.1.500. The City provided timely and sufficient notice of the legislative changes to the zoning and Bend Comprehensive Plan map pursuant to Section 4.1.515 of the Bend Development Code.
- D. City staff presented the MAP to the neighborhood association's leadership on June 5, 2018.
- E. An open house invitation was mailed to over 4,000 properties which included all the affected properties and properties within 100 feet of an affected property. The open house was held on July 12, 2018, and over 70 people attended.
- F. The City mailed a Measure 56 notice on July 19, 2018, to all properties included in the MAP.
- G. A property owner whose property is affected by the MAP had an option to "opt out" of the Project and in the future, if the property owner decides to rezone their property to align with the Comprehensive Plan map designation, they will be responsible for the application and fees to rezone their property.
- H. Notice of the August 27, 2018, Planning Commission public hearing and of the September 19, 2018, City Council public hearing was printed in the Bend Bulletin on August 5, 2018, and was mailed to the neighborhood associations on August 1, 2018.
- I. The Planning Commission held a public hearing for the proposed amendments on August 27, 2018, to accept testimony on the request. At the conclusion of the hearing, the Planning Commission voted to recommend the MAP be approved by the City Council.
- J. The City Council held a public hearing on September 19, 2018, to accept evidence, receive public testimony and consider the Planning Commission's recommendation. The City Council found that the MAP satisfies the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted on the MAP.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The City of Bend Zoning Map and Comprehensive Plan map are amended for the affected properties or for portions of the affected properties identified on the map in Exhibit A and listed by tax lot number in Exhibit B.

Section 2. The amendments rezone approximately 1,874 acres to align with the Comprehensive Plan map designations; amend the Comprehensive Plan map for approximately 33 acres to align the zoning with the developed use of the property, and (3) Rezone and amend the Comprehensive Plan map of approximately 9 acres to recognize the existing use of the sites.

Section 3. In addition to the findings set forth above, the City Council adopts the findings in Exhibit C.

First Reading: September 19, 2018

Second reading and adoption by roll call vote: October 3, 2018

YES: Casey Roats, Mayor
Sally Russell
Bruce Abernethy
Bill Moseley
Justin Livingston
Barb Campbell

NO: none



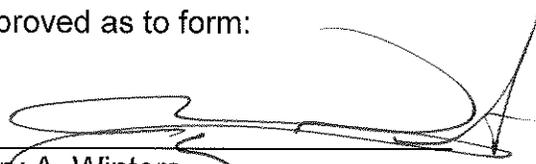
Casey Roats, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters

CITY OF BEND MAP ALIGNMENT AREAS

Legend

-  Opt Out
-  Zone Change To Match Comp Plan
-  Comp Plan Change To Match Zoning
-  Zone and Comprehensive Plan Change
-  City Limits
-  Taxlots

- CB - Central Business District
- CC - Convenience Commercial District
- CG - General Commercial District
- CL - Limited Commercial District

- RL - Low Density Residential
- RS - Standard Density Residential
- RM - Medium Density Residential
- RH - High Density Residential
- SR 2 1/2 - Suburban Low Density Residential
- UAR - Urban Area Reserve

- ME - Mixed Employment District
- MN - Mixed-Use Neighborhood
- MR - Mixed-Use Riverfront District
- MU - Mixed-Use Urban

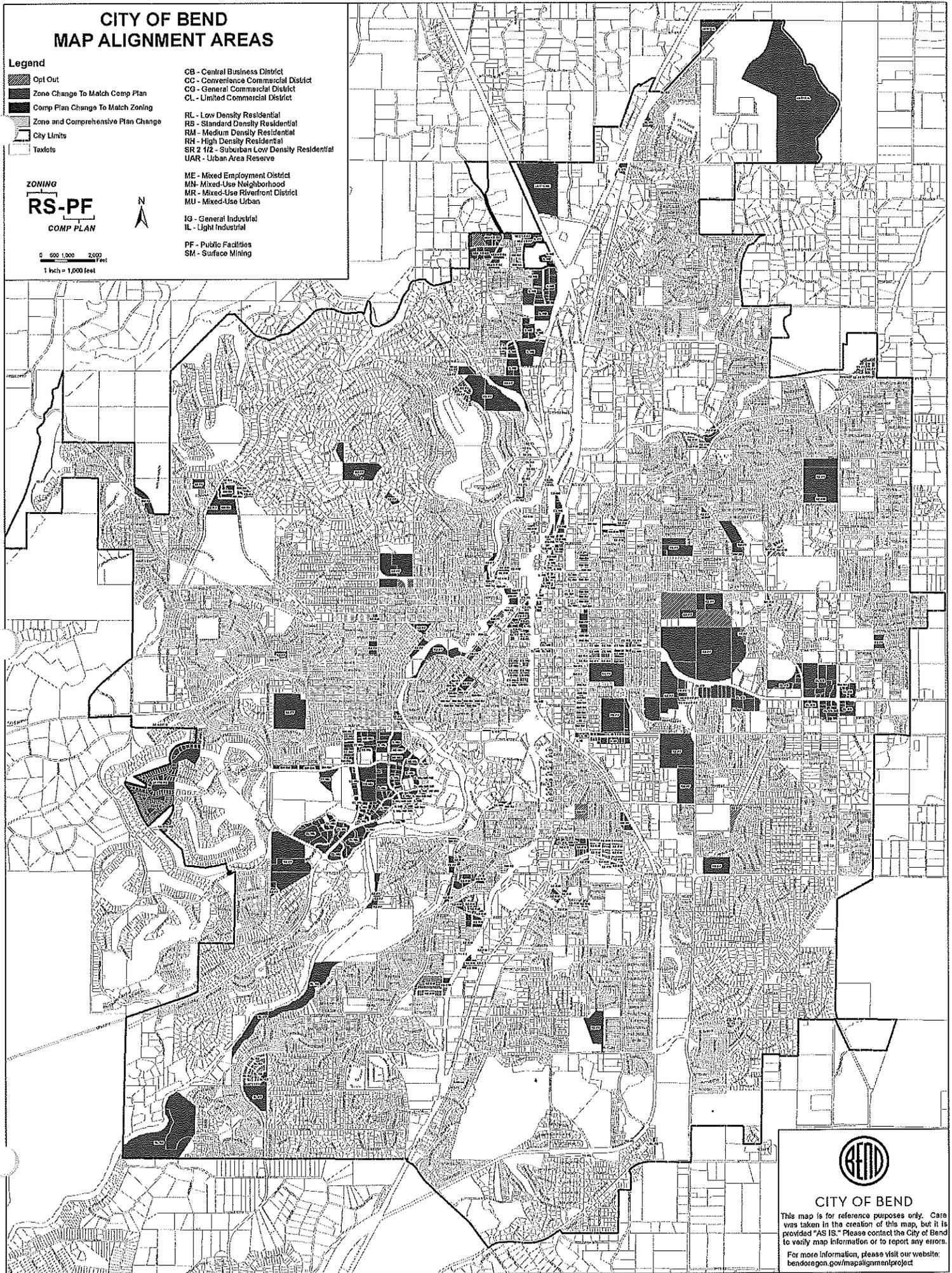
- IG - General Industrial
- IL - Light Industrial

- PF - Public Facilities
- SM - Surface Mining

ZONING
RS-PF
COMP PLAN



0 500 1,000 2,000
Feet
1 inch = 1,000 feet



CITY OF BEND

This map is for reference purposes only. Care was taken in the creation of this map, but it is provided "AS IS." Please contact the City of Bend to verify map information or to report any errors.

For more information, please visit our website:
bendoregon.gov/mapalignmentproject

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181208B000801	181208BA06200	181208CB08200	181208CC08500	181209BB00300
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181208B001201	181208BA06302	181208CC00100	181208CC08800	181209BB00406
181208B001202	181208BA06303	181208CC00200	181208CC08900	181209BB00407
181208B001204	181208BA06304	181208CC00300	181208CC09000	181209BB00408

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181209BB00412	181209BB00612	181209BB00628	181215BA03004	181216CD03000
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181209BB00414	181209BB00614	181209BB00630	181215BA03006	181216CD03200
181209BB00415	181209BB00615	181209BB00631	181215BA03007	181216CD03300
181209BB00416	181209BB00616	181209BB00632	181215BA03008	181216CD03400
181209BB00601	181209BB00617	181209BB00633	181215BA03009	181216CD03500
181209BB00602	181209BB00618	181209BB00634	181215BA03010	181216CD03600
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181209BB00607	181209BB00623	181215BA02959	1812160000103	181208ABCANAL
181209BB00608	181209BB00624	181215BA02960	1812160000104	181208ABCANAL
181209BB00609	181209BB00625	181215BA03001	1812160000620	181208BA06700
181209BB00610	181209BB00626	181215BA03002	181216B000100	

**EXHIBIT C
FINDINGS OF FACT
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PZ 17-0433**

Procedural Findings

Notice of the proposed Map Alignment Project (MAP) was provided to the Department of Land Conservation and Development (DLCD) on July 19, 2018. The City of Bend sent a Measure 56 notice to all affected properties on July 19, 2018, and has received over 110 phone calls and/or emails. A notice of the August 27, 2018, Planning Commission public hearing and of the September 19, 2018, City Council public hearing was printed in the Bend Bulletin on August 5, 2018, and was mailed to the neighborhood associations on August 1, 2018. As of writing this report, staff has received 11 opt-out forms for 21 tax lots.

On August 13, 2018, the Planning Commission held a work session to review the proposed MAP and on August 27, 2018, held a public hearing and recommended approval. On September 19, 2018, the City Council held a public hearing and conducted the first reading and on October 3, 2018, the Council held a second reading and voted unanimously for adoption of the MAP.

Criteria of Approval

- (1) The Bend Comprehensive Plan
- (2) Bend Development Code
 - (a) Chapter 4.6, Land Use District Map and Text Amendments;
Section 4.6.200(B), Criteria for Legislative Amendments

Applicable Procedures

- (1) Bend Development Code
 - (a) Chapter 4.1, Land Use Review and Procedures

Findings Regarding Compliance with Applicable Criteria:

**CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6,
LAND USE DISTRICT MAP AND TEXT AMENDMENTS**

4.6.200 Legislative Amendments.

A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual

property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: The recommended zoning and/or Comprehensive Plan map amendments involve multiple properties rather than application to an individual property owner. Therefore, the Legislative Amendment Procedures of this section are the appropriate procedures for this review.

B. Criteria for Legislative Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a Legislative Amendment shall be based on all of the following criteria:

1. The request is consistent with the applicable State land use law;

FINDING: The amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, and Goal 9: Economic Development, Goal 10: Housing and Goal 12: Transportation.

Goal 1, Citizen Involvement, is satisfied by following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.

FINDING: Staff identified the Map Alignment Project (MAP) in the Council Goal work plan that was presented to the Council in 2017. The Bend Economic Development Advisory Board (BEDAB) reviewed and discussed the MAP during work sessions held on December 4, 2017, and January 8, 2018, and recommended support. During the BEDAB work session on December 4, 2017, Kristin Chatfield with the Affordable Housing Advisory Committee (AHAC) stated that the AHAC also supported the MAP.

On February 7, 2018, the City Council held a work session and directed staff to initiate a project to rezone all properties to be consistent with the Comprehensive Plan map designation, subject to an opt out property owner opportunity, and directed staff to first work with the Planning Commission to develop a robust public participation process, to be brought back to the Council for feedback and approval. During a City Council work session on May 2, 2018, the Council discussed the MAP as it relates to properties for affordable housing projects. Rather than moving forward with the MAP only for affordable housing projects, the Council supported expediting the MAP in its entirety and directed staff to hold an open house and to work with the Neighborhood Association Leaderships.

Staff presented the MAP to the neighborhood association's leadership on June 5, 2018. Staff mailed an open house invitation to over 4,000 properties which included all the affected properties and properties located within 100 feet of an affected property. The open house was held on July 12, 2018, and over 70 people attended.

On July 19, 2018, a Measure 56 notice was mailed to all affect properties and staff received over 110 phone calls and/or emails. A notice of the August 27, 2018, Planning Commission public hearing and of the September 19, 2018, City Council public hearing was printed in the Bend Bulletin on August 5, 2018, and was mailed to the neighborhood associations on August 1, 2018. On August 13, 2018, the Planning Commission held a work session to review the proposed MAP and on August 27, 2018, held a public hearing.

Therefore, Goal 1 has been met.

Goal 2, Land Use Planning, requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING: The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan and BDC as a basis for the decisions and actions related to the map amendments and to assure an adequate factual base for these decisions and actions. The amendments will be adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes should be based on special studies or other information, which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. If a property owner's zoning is not consistent with the Comprehensive Plan designation, prior to any development on that site the owner must apply to rezone the property so it is consistent with the Plan designation. The rezone is primarily an administrative task of aligning the zone with the Comprehensive Plan designation. The criteria for a rezone are fairly nondiscretionary. Neighbors often think that the rezone application is the opportunity to oppose (or support) the types of development that can occur based on the Comprehensive Plan map designation. However, a rezone is not a review of whether the Plan designation is appropriate. Therefore, the MAP is needed to provide clarity and transparency to the community about what can be developed and where.

Therefore, the amendments are justified and needed, and compliance with Goal 2 is maintained.

Goal 3, Agricultural Lands, Goal 4, Forest Lands, and Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces. Goals 3 and 4 are not applicable

MAP

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because there are no Agricultural or Forest Lands in the City. Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

Goal 6, Air, Water and Land Resources Quality is not applicable because the City's acknowledged regulations implementing Goal 6 remain in effect with no change in applicability.

Goal 7, Areas Subject to Natural Hazards is not applicable because the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

Goal 8, Recreational Needs requires the City to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. This goal is not applicable as the amendments have no effect on the availability of or access to recreational opportunities.

Goal 9, Economic Development, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth.

FINDING: Sound economic development planning originates from a clear vision and is implemented through goals, strategies and actions. Goal 9 focuses on one element of an economic development strategy: land use. Specifically, one objective of Goal 9 is for cities to "provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies." The Comprehensive Plan designates lands for a range of commercial, industrial and mixed-use districts. The MAP will align the zoning with the Comprehensive Plan map designations to allow these employment lands to support the continued growth and diversity of Bend's economy. Therefore, Goal 9 and the City's acknowledged regulations implementing Goal 9 remain in effect.

Goal 10, Housing, requires provisions to provide for the housing needs of citizens of the state.

FINDING: The acknowledged Bend Comprehensive Plan addresses Goal 10 in Chapter 5, Housing and was deemed consistent with this Statewide Planning Goal through the Urban Growth Boundary (UG) expansion adoption in 2016. The language of Goal 10 and ORS 197.296 refers to housing *need*: it requires communities to provide needed housing types for households at all income levels. The acknowledged Comprehensive Plan shows that an adequate supply of land has been planned for all types of needed housing. The MAP brings the City's zoning into compliance with the

acknowledged Comprehensive Plan map designations for land that is for needed housing. Therefore, compliance with Goal 10 is maintained.

Goal 11, Public Facilities and Services, requires the City to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained.

Goal 12, Transportation, requires the City to provide and encourage a safe and convenient and economic transportation system.

FINDING: The properties considered for rezoning to align with the Comprehensive Plan were included in the City's Transportation System Plan which was acknowledged by DLCD in 2013 with the anticipation of developing to the Comprehensive Plan map designations. The transportation system improvements identified in the adopted TSP will provide capacity for the development of these properties.

The MAP also amends the zoning and Comprehensive Plan map for approximately 9 acres to align the existing uses on site with the appropriate zoning and map designations to support the existing uses. In addition, the MAP amends the Comprehensive Plan map for approximately 33 acres to align the current uses on site with the existing zoning that support the uses. Since the uses are existing there would be no change to the types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility and the proposed change would result in the same trip generation; therefore, there is no significant effect under OAR 660-012-0060.

Findings demonstrating compliance with the Transportation Planning Rule are discussed further in this document. Therefore, compliance with Goal 12 is maintained.

Goal 13, Energy Conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain in effect with no change in applicability

Goal 14, Urbanization, requires the City to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. The management of the City's land use inventories is unaffected by these amendments and therefore, the City's long standing acknowledgment of compliance with Goal 14 is maintained.

Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources are not applicable to the MAP.

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Based on the above discussion, the rezone and Comprehensive Plan map amendments are consistent with the statewide planning goals and therefore comply with the requirement that the amendments be consistent with state land use planning law.

Because the amendments are limited in scope, there are no other Administrative Rules applicable to this amendment. Likewise, there are no other applicable Oregon Revised Statutes that are criteria applicable to these amendments (Note, consistency with the Transportation Planning Rule (TPR) is discussed further in this document).

2. The request is consistent with the applicable Bend Comprehensive Plan goals and policies;

FINDING: The “goals” established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The “goals” are generally carried out through “policies,” which are statements of public policy. The following Goals and Policies are applicable:

Chapter 1: Plan Management and Citizen Involvement

Goals:

- **Create Clear and Consistent Implementing Ordinances.** Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.

FINDING: Aligning the Zoning Map and Comprehensive Plan map will provide clarity and transparency to the community about what can be developed and where; make housing and development permitting more streamlined for affected properties; and will remove development barriers to reduce risk, costs and timelines. The amendments to align the Zoning Map and the Comprehensive Plan map will allow the Comprehensive Plan to be implemented through effective, clear and consistent language that reflects the intent of the vision.

Policies

Development within the Urban Growth Boundary

1-7 The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.

1-8 The City and county will encourage infill and redevelopment of appropriate areas within Bend Central Core, opportunity Areas and transit corridors.

FINDING: As part of the acknowledged UGB expansion, the City evaluated the efficient use of existing urban land and identified “opportunity areas” within the City that are appropriate for new development for jobs and housing due to their location, development status and/or proximity to urban services. Aligning the zoning with the Comprehensive Plan map in the opportunity areas will encourage infill and redevelopment and it will also provide land zoned for needed housing and jobs which will reduce vehicle miles traveled (VMT).

Citizen Involvement

1-16. The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

FINDING: The Bend Economic Development Advisory Board (BEDAB) reviewed the MAP during work sessions held on December 4, 2017, and January 8, 2018, and recommended support of the project. Also, during the BEDAB work session on December 4, 2017, Kristin Chatfield with the Affordable Housing Advisory Committee (AHAC) stated that the Committee is in support of the MAP.

On February 7, 2018, the City Council held a work session and directed staff to initiate a project to rezone all properties to be consistent with the Comprehensive Plan map designation, subject to an opt out property owner opportunity, and directed staff to first work with the Planning Commission to develop a robust public participation process, to be brought back to the Council for feedback and approval. During a City Council work session on May 2, 2018, the Council discussed the MAP as it relates to properties for affordable housing projects. Rather than moving forward with the MAP only for affordable housing projects, the Council supported expediting the MAP in its entirety and directed staff to hold an open house and to work with the neighborhood association’s leadership.

Staff presented the MAP to the neighborhood association’s leadership on June 5, 2018. Staff mailed an open house invitation to over 4,000 properties which included all the affected properties and properties within 100 feet of an affected property. The open house was held on July 12, 2018, and over 70 people attended.

On July 19, 2018, the City of Bend mailed a Measure 56 notice to all affect properties and staff has received over 110 phone calls and/or emails. A notice of the August 27, 2018, Planning Commission public hearing and of the September 19, 2018, City Council public hearing was printed in the Bend Bulletin on August 5, 2018, and was mailed to the neighborhood associations on August 1, 2018. On August 13, 2018, the Planning Commission held a work session to review the proposed MAP and on August 27, 2018, held a public hearing.

Therefore, compliance with Chapter 1 has been met.

Chapter 3: Community Connections

Goals

- **To provide quality green spaces, natural areas, and recreation sites through public and private park land throughout the community**

Policies

Parks and Recreation Facilities

3-5 The City will apply a new “Public Facilities” zone for public parks and recreation facilities within the planning area.

FINDING: The MAP includes rezoning approximately 703 acres to Public Facilities (PF) District which permits public parks and public recreational facilities. Several of these properties are developed with existing parks and recreational facilities including but not limited to Pilot Butte State Park, Juniper Park, Ponderosa Park, Kiwanis Park, Bend Senior Center, and Providence Park.

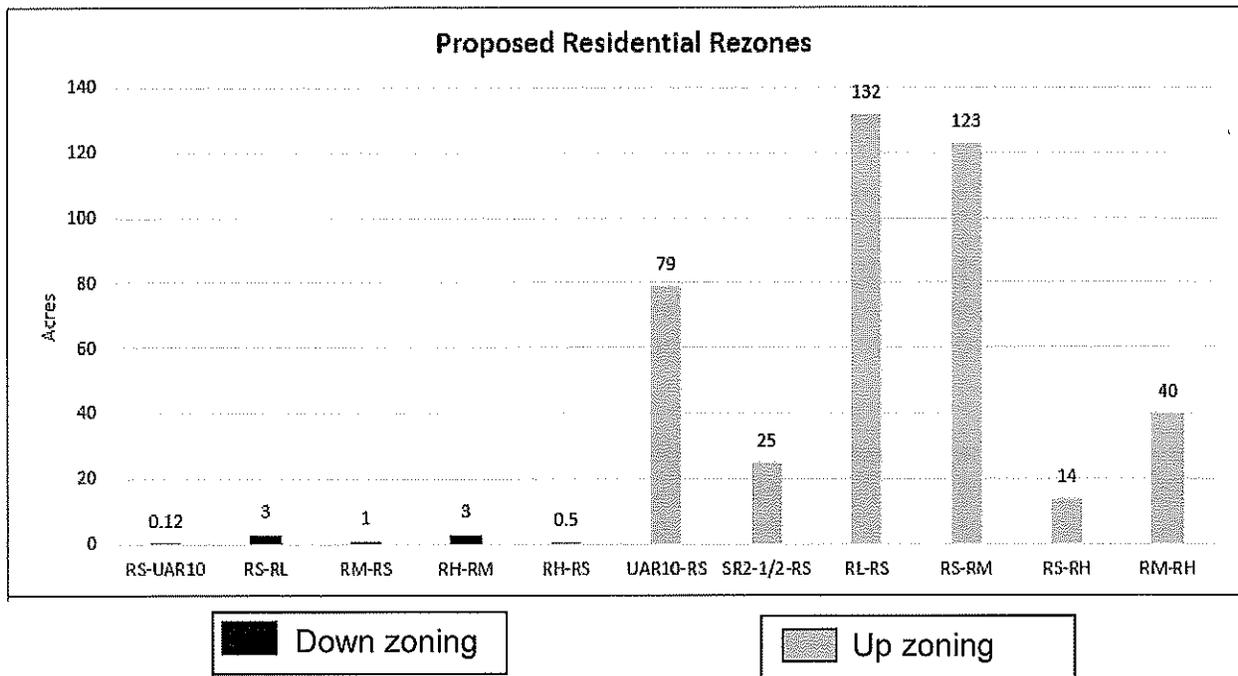
Therefore, compliance with Chapter 3 has been met.

Chapter 5: Housing and Residential Lands

Goals:

- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.
- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.
- Zone adequate land in specific designations to allow for production of needed housing units.

FINDING: The MAP rezones approximately 23 acres from non-residential districts to a residential district. The MAP also up zones approximately 413 acres to a higher density residential district. These rezones as shown in the graph below will allow for production of needed housing units.



Policies

Housing Mix, Density, and Affordability

5-4. The City will apply plan designations, zoning districts and development code regulations to implement the mix of housing indicated in the adopted Housing Needs Analysis.

FINDING: According to the Bend Housing Needs Analysis, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. Bend's housing needs are changing and key demographic changes are occurring in Bend and across the nation. Baby Boomers may need affordable housing or may choose to downsize their housing, resulting in greater demand for small single-family dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums and growth in Millennial households will increase the need for affordable housing for renters and homeowners such as: small single-family dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

The MAP aligns the zoning and Comprehensive Plan map for residential lands which will help implement a mix of housing indicated in the adopted Housing Needs Analysis.

5-6 Upon application, the City shall zone residential lands within City's corporate limits in accordance with their plan designations, and without a separate showing of public need, subject only to conditions, if applicable, requiring availability of public sewer or public water before occupancy.

FINDING: Because plan/zone conflicts are discouraged under Oregon land use law, the Bend Development Code's criteria for approval for owner-initiated zone changes are fairly non-discretionary. They are:

1. The amendment will bring the zone map into conformance with the Comprehensive Plan map.
2. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

While the criteria may be easy to meet, they are part of a land use process that may be appealed which can and does delay residential projects. If a property owner does not opt out of the City's MAP, then the zoning of residential lands will align with the Comprehensive Plan map designations.

5-7 The City will continue to create incentives for and remove barriers to development of a variety of housing types in all residential zones, consistent with the density ranges and housing types allowed in the zones. This policy is intended to implement the City's obligation under the State Housing Goal to "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density".

FINDING: Owner-initiated zone change applications to align the zoning with the Comprehensive Plan are typically non-controversial and approved quickly by a city's hearings officer. The city has streamlined the process over the past number of years, but it still requires a public hearing and an opportunity for public participation and appeal. However, sometimes the application process can result in significant delay to a project. A recent example was the application for a rezone to change the Residential Standard (RS) zone on a property on the north side of Reed Lane, west of the Parkway, to Residential Medium (RM) to comply with the Bend Comprehensive Plan for development of a 118-unit apartment complex. The property has been designated RM since the 1998 adoption of the current Comprehensive Plan. The city's hearings officer issued an approval in September of 2016, which was appealed to the Land Use Board of Appeals (LUBA). Subsequently, it came back to the city for a hearing for reconsideration, which was again approved and appealed to LUBA. Fortunately the neighbors and developer settled the case, but the project was delayed for almost a year without reaching oral argument and obtaining a decision from LUBA. Without the settlement agreement, construction of this needed housing project would still be on hold. Aligning the zoning and Comprehensive Plan Map with the MAP will eliminate the need go through an owner-initiated rezone process and it will also allow properties to be developed consistent with the density ranges and housing types allowed in the zone.

Therefore, the amendments satisfy Chapter 5 since they will help foster more development of needed housing.

Chapter 6: Economy

Goals

- Ensure an adequate supply of appropriately zoned land for industrial, commercial, and mixed-use development opportunities.

FINDING: Sound economic development planning originates from a clear vision and is implemented through goals, strategies and actions. Goal 9 focuses on one element of an economic development strategy: land use. Specifically, one objective of Goal 9 is for cities to “provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.” The Comprehensive Plan designates lands for a range of commercial, industrial and mixed-use districts. The MAP will align the zoning and the Comprehensive Plan map designations to allow these employment lands to support the continued growth and diversity of Bend’s economy.

Policies

General Policies

6-1 Bend’s economic lands (commercial, industrial and mixed use) serve Bend residents and the needs of a larger region.

6-2 Bend is a regional center for health care, art and culture, higher education, retail, tourism, and employment. The economic land policies recognize Bend’s role in the region, and the need to support uses that bolster the local and regional economy:

- The Medical District Overlay Zone provides economic lands for a variety of health care and related services to a population much larger than the City of Bend.
- Commercial and Mixed Use-designated lands support retail, tourism, and arts and culture uses to serve a local and regional role.
- Public Facility and Special Plan Districts support higher education to serve Bend residents and the needs of the region.
- Industrial and Mixed Employment-designated land located at Juniper Ridge has a local and regional role.

MAP

September 19, 2018

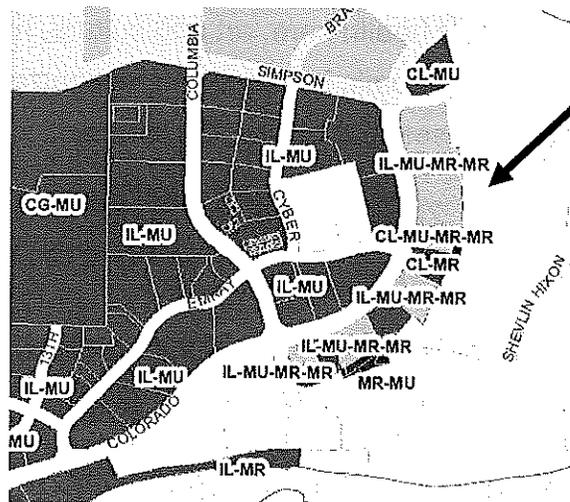
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FINDING: The MAP supports Bend's economic lands and Bend as a regional center for health care, art and culture, higher education, retail, tourism, and employment by rezoning the following acres to match their Comprehensive Plan map designations.

Proposed Changes	
Proposed Changes	Acres
Rezone to Commercial	9
Rezone to Mixed Use	355
Rezone to Industrial	216
Rezone to Public Facilities	703

6-11 The City will periodically review existing development and use patterns on industrial and commercial lands. The City may consider modifying Comprehensive Plan designations and zoning to better respond to opportunities for redevelopment and revitalization of employment lands in underutilized areas.

FINDING: The MAP will amend the zoning and Comprehensive Plan map for several properties south of Simpson Avenue and east of SW Colorado to Mixed Use Riverfront (MR) District. This is consistent with the surrounding zoning and Comprehensive Plan map designations of the abutting properties. The MR District outright permits the existing industrial and commercial uses in this area including Deschutes Brewery which was ranked by the Economic Development for Central Oregon (EDCO) as the top 15th employer (341 employees) out of Bend's largest 40 employers (private and public). Since the MR District permits the existing uses, they will be allowed to further develop their businesses without going through a conditional use permit process.



Industrial Development

6-16 The Juniper Ridge District inside the Bend UGB will be used to help meet the long-term need for future industrial and employment development.

The MAP rezones approximately 216 acres to industrial zoning districts to match their Comprehensive Plan map designations. This includes rezoning a large portion of Juniper Ridge from Urban Area Reserve 10 (UAR 10) District to Light Industrial (IL) District.

Therefore, the amendments satisfy Chapter 6 since the MAP will ensure an adequate supply of appropriately zoned land for industrial, commercial, and mixed-use development opportunities.

Chapter 7: Transportation Systems

Goals

- Encourage the development of land use patterns that provide efficient, compact use of land, and facilitate a reduced number and length of trips.

Transportation and Land Use

Objectives:

- To promote land use patterns that support fewer vehicle trips and shorter trip lengths
- To ensure that future development, including re-development, will not interfere with the completion of Bend's transportation

Policies

7-5 The City shall continue to explore mixed use zoning as one of the land use patterns that will promote fewer vehicle trips and shorter trip lengths.

7-6 The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and reduced trip lengths.

FINDING:The City of Bend adopted an Integrated Land Use and Transportation Plan (ILUTP) that addressed OAR 660-12-0035 requirements for reducing reliance on the automobile. The ILUTP identified "Proposed Strategies" to help reduce the VMT. One ILUTP Strategy included designating mixed use opportunity areas. The MAP implements this strategy by rezoning properties in the opportunity areas to match their mixed-use Comprehensive Plan map designations.

Therefore, the amendments satisfy Chapter 7 since the MAP will encourage the development of land use patterns that provide efficient, compact use of land, and facilitate a reduced number and length of trips.

Chapter 11: Growth Management

Goals

- Use Bend's existing urban land wisely, making efficient use of land inside the boundary, with infill and redevelopment focused in appropriate areas within the Central Core, along transit corridors, and in key opportunity areas

FINDING: As part of the acknowledged UGB expansion, the City evaluated the efficient use of existing urban land and identified "opportunity areas" within the City that are appropriate for new development for jobs and housing due to their location, development status and/or proximity to urban services. Aligning the zoning with the Comprehensive Plan map will encourage infill and redevelopment in these opportunity areas.

General Growth Management Policies

(See related policies in Chapter 1, *Plan Management and Citizen Involvement* and Chapter 10, *Natural Forces*.)

11-1 The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.

11-2 The City will encourage infill and redevelopment of appropriate areas within Bend's Central Core, Opportunity Areas and transit corridors (shown on Figure 11-1).

FINDING: As part of the acknowledged UGB expansion, the City evaluated the efficient use of existing urban land and identified "opportunity areas" within the City that are appropriate for new development for jobs and housing due to their location, development status and/or proximity to urban services. Aligning the zoning with the Comprehensive Plan map will encourage infill and redevelopment in these opportunity areas and it will provide needed housing and new opportunities for jobs which will reduce vehicle miles traveled (VMT).

Policies for Employment Districts

(See related policies in Chapter 6, *Economy*.)

11-13 The City will periodically review existing development and use patterns on industrial and commercial lands. The City may consider modifying Comprehensive Plan

designations and Zoning to better respond to opportunities for redevelopment and revitalization of employment lands in underutilized areas.

FINDING: The MAP project will amend the zoning and Comprehensive Plan map for several properties south of Simpson Avenue and east of SW Colorado to Mixed Use Riverfront (MR) District. This is consistent with the surrounding zoning and Comprehensive Plan Designations of the abutting properties. The Mixed-Use Riverfront (MR) District permits the existing uses in this area including Deschutes Brewery. Deschutes Brewer was ranked by the Economic Development for Central Oregon (EDCO) as the top 15th employer (341 employees) out of Bend's largest 40 employers (private and public). These map amendments provide opportunities for further development of existing business in this area.

Therefore, the amendments satisfy Chapter 11 since they will allow Bend's existing urban land to be used wisely, with infill and redevelopment focused in appropriate areas within the Central Core, along transit corridors, and in key opportunity areas.

Based on the findings stated above, staff concludes that the text amendments are consistent with the applicable Bend Comprehensive Plan Goals and Policies.

3. The applicant can demonstrate a public need or benefit for the proposed amendment.

FINDING: Aligning the Zoning Map and Comprehensive Plan map will provide a public need and benefit by providing clarity and transparency to the community about what can be developed and where; making housing and development permitting more streamlined for affected properties; and removing development barriers to reduce risk, costs and timelines.

Therefore, the amendments to the BDC meet this criterion.

4.6.500 Record of Amendments.

The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.

FINDING: In the event the amendments to the Zoning Map and Comprehensive Plan map are adopted by ordinance, the City Recorder will maintain a record of the amendments and the amended maps will be included as part of the maps available to the public on the City's website.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

FINDING:

OAR 660-012-0060

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

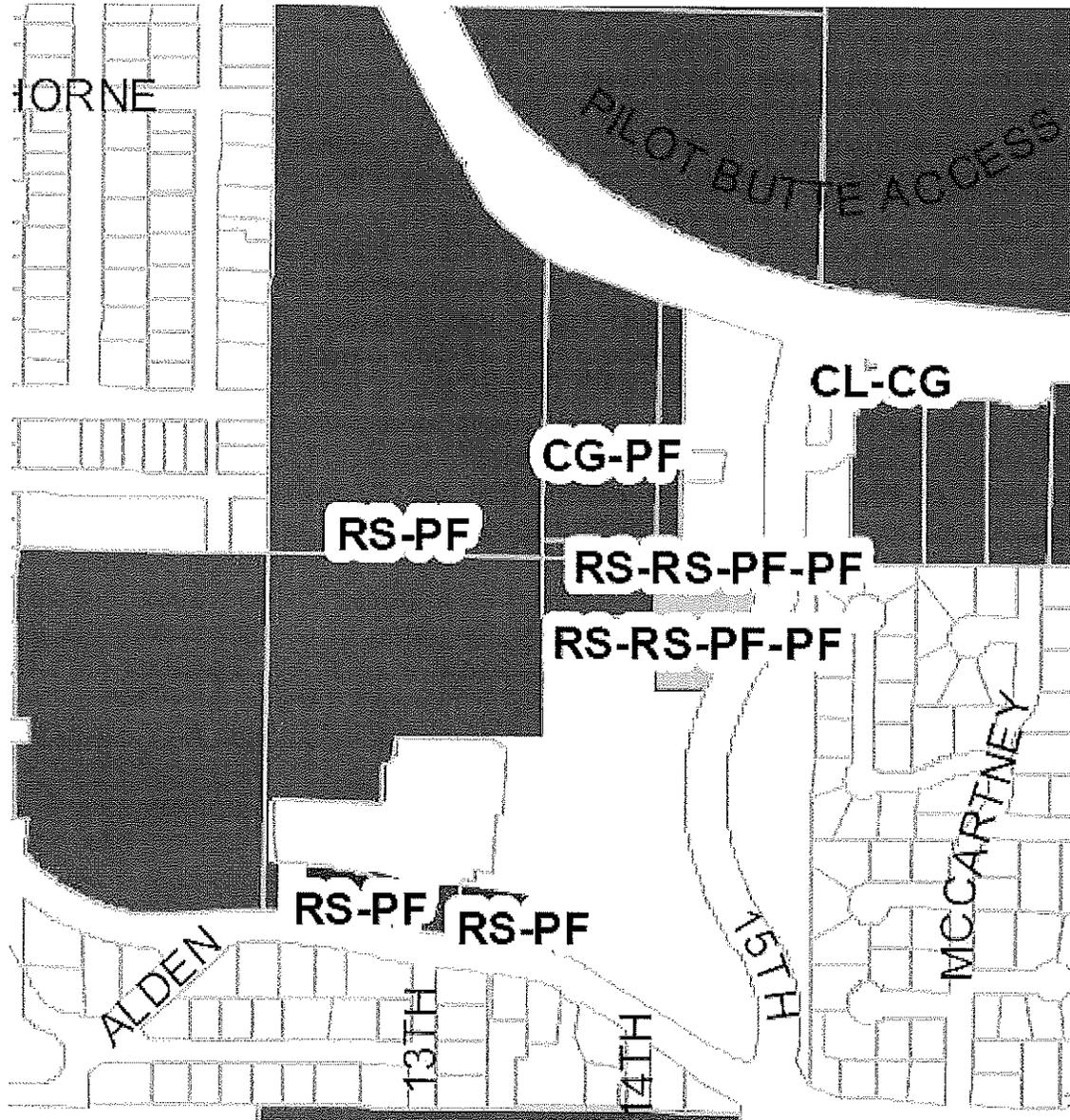
The Comprehensive Plan map amendments affect approximately 33 acres. The purpose of the amendments is to align the current uses on site with the existing zoning. For example, there are two developed areas with single family dwellings that are zoned Standard Density Residential (RS) District; however, the Comprehensive Plan map designations are Public Facilities which does not allow single family dwellings. Another

property is developed with residential condominiums which is zoned Medium Density Residential; however, the Comprehensive Plan map designation is General Commercial (CG) District. Amending the Comprehensive Plan map designation to RS District for the developed residential subdivisions and to RM District for the condominiums will not affect the transportation facilities since the trips are already accounted for by the existing residential uses. Therefore, none of the above criterion A-C are met.

Another Comprehensive Plan map amendment is for a future affordable housing project on approximately one acre owned by the City of Bend. The MAP will amend the Comprehensive Plan map designation from Public Facilities (PF) to Standard Density Residential to align with the current zoning of Standard Density Residential (RS) District. The current Public Facilities (PF) District allows uses including publicly owned buildings such as City Hall, County courthouses, and administrative buildings which would generate more trips than property zoned RS District. There would be no change to the types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility and the proposed change for an affordable housing project would result in a lower trip generation potential. Fewer trips means less impact on traffic; therefore, the proposed change would not degrade the performance of any transportation facility compared to conditions with the current zoning. A Comprehensive Plan map amendment from Public Facilities (PF) to RS District will not significantly affect any existing or planned transportation facility, thus is in conformance with the TPR. Therefore, none of the above criterion A-C are met.

The Comprehensive Plan map amendments and rezoning affect approximately 9 acres. The purpose of these amendments is to align the current uses on site with the appropriate zoning and map designations that support these uses.

The MAP will amend the zoning and Comprehensive Plan map designation from Standard Density Residential (RS) to Public Facilities (PF) for approximately 1.4 acres owned by the City of Bend. The subject property is part of a larger City campus and includes a recently approved fire station which is awaiting issuance of building permits. Several acres of the campus also include City's offices and are part of the MAP and will be rezoned to Public Facilities (PF) District consistent with the Comprehensive Plan map designation. The abutting future affordable housing project discussed above, and the Bend Police Department which is zoned and designated General Commercial are also part of the overall campus. Amending the zoning and Comprehensive Plan map designations for the future fire station would have no change to the types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility and the proposed change would result in the same trip generation for the approved fire station. Therefore, none of the above criterion A-C are met.



The MAP project also proposes to amend the zoning and Comprehensive Plan map for several properties south of Simpson Avenue and east of SW Colorado to Mixed Use Riverfront (MR) District. This is consistent with the surrounding zoning and Comprehensive Plan Designations of the abutting properties. The MR District permits the existing uses in this area including Deschutes Brewery. There would be no change to the types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility and the proposed change would result in the same trip generation since the uses are existing. Therefore, none of the above criterion A-C are met.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

The zone change of approximately 1,874 acres will bring the zoning into compliance with the existing Comprehensive Plan map designations. The City has an acknowledged TSP (2013) that accounts for the urbanization of the area and the proposed zoning is consistent with the TSP. The proposed zone change does not change or warrant changes to the TSP or classifications of the transportation facilities. Based on these facts, the City is not required to put into effect additional transportation planning measures as a result of the proposed legislative zone change to adopt the zoning set out in the City's Comprehensive Plan.

Therefore, since the zone change complies with OAR 660-012-0060, the zone change complies with BDC 4.6.600.

V. CONCLUSIONS:

Based on the above Findings, the MAP meets all applicable criteria for adoption.

